

REMARKS

Claims 1-10, 12-16, 18-19, 21-22, 24-25 and 27-28 are pending in the present application. Claims 11, 17, 20, 23 and 26 are canceled. The content of claim 11 is incorporated into independent claims 5, 19, 22 and 25. Claims 1, 3-5, 13, 18-19, 21-22 and 24-25 are amended and claims 27-28 are added. Support for the amendments to claims 1, 3-5, 13, 18-19, 21-22 and 24-25 and new claims 27-28 may be found at least on page 11, line 4 through page 13, line 6. Reconsideration of the claims is respectfully requested.

I. Telephone Interview

Applicants thank Examiner Gerald Gauthier for the courtesies extended to Applicants' representative during the November 3, 2004 telephone interview. During the interview, Applicants' representative discussed the amendments to the independent claims and agreed to remove the word "selected" from independent claims 1, 18, 21 and 24 to clarify these claims. Examiner Gauthier agreed that the amendments to the independent claims overcome the cited *Dutta* reference. The substance of the telephone interview is summarized in the following remarks.

II. 35 U.S.C. § 102, Alleged Anticipation Based on Dutta

The Office Action rejects claims 1-26 under 35 U.S.C. § 102(e) as being allegedly anticipated by *Dutta*, U.S. Patent Number 6,760,581. This rejection is respectfully traversed.

As to independent claims 1, 5, 18-19, 21-22 and 24-25, the Office Action states:

Regarding claims 1, 21 and 24, Dutta discloses a method in a mobile communications device for activating a selected profile (column 1, lines 8-12), the method comprising:

detecting an external control signal transmitted transmitter location (column 5, lines 25-39) [The mobile detects the Bluetooth command to automatically hold incoming call];

activating the selected profile, wherein the selected profile implements a policy of mobile communications device usage for the location and replaces a current profile for the mobile communication device (column, 5, lines 51-67) [The determination is made whether the user wants to be notify of the hold call according to the user set up profile to automatic to put on hold all incoming calls in a theater or concert hall];

maintaining the selected profile only while the external control signal continues to be detected (column 6, lines 1-13) [The mobile telephone is receiving the Bluetooth command when within the range of the server]. ...

Regarding claims 5, 22 and 25, Dutta discloses all the limitations of claims 5 and 22 as stated in claim 1 rejection and furthermore identifying settings in the external control signal to form identified settings (column 5, lines 40-50) [The determination is made whether the mobile communication is set up to received the automatic hold of the incoming calls]; ...

Regarding claims 18, 19 and 20, Dutta discloses all the limitations of claims 18 and 19 as stated in claims 1 and 17 rejection and furthermore discloses a bus system (705 on FIG. 7);

a communications unit connected to the bus system (770 on FIG. 7); a memory connected to bus system (720 on FIG. 7); and

a processing unit connected to the bus system (700 on FIG 7).

Office Action dated August 12, 2004, pages 2-6.

As amended, claim 1, which is representative of the other rejected independent claims 18, 21 and 24 with regard to similarly recited subject matter, reads as follows:

1. A method in a mobile communications device for activating a profile, the method comprising:

detecting an external control signal transmitted from a transmitter in a location, wherein the external control signal contains an encoded command;
decoding the encoded command to define features in the profile, wherein the features are identified by a group of settings contained in the encoded command and wherein the features were not defined in the profile prior to detecting the external control signal;

activating the profile, wherein the features in the profile control attributes of the mobile communication device, and wherein the profile implements a policy of mobile communications device usage for the location and replaces a current profile for the mobile communications device; and

maintaining the profile only while the external control signal continues to be detected. (emphasis added)

As amended, claim 5, which is representative of the other rejected independent claims 19, 22 and 25 with regard to similarly recited subject matter, reads as follows:

5. A method in a mobile communications device for activating a profile when the mobile communications device is located in a location with a policy for mobile communications device usage, the method comprising:

detecting an external control signal in the location, wherein the external control signal contains an encoded command that identifies settings for the mobile communications device;

identifying the settings in the external control signal to form identified settings, wherein the identified settings define features in the profile that comply with the policy for mobile communications device usage for the location;

activating the profile with the identified settings to form an active profile, wherein the features in the profile control attributes of the mobile communications device and were not defined in the profile prior to detecting the external control signal; and
maintaining the active profile while the external control signal is detected.
(emphasis added)

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that *Dutta* does not identically show every element of the claimed invention arranged as they are in the claims. Specifically, *Dutta* does not teach or suggest decoding an encoded command to define features in a profile, wherein the features are identified by a group of settings contained in the encoded command and wherein the features were not defined in the profile prior to detecting an external control signal.

Dutta is directed toward a system and method for providing a hold operation from a mobile phone. *Dutta* teaches that a user sets up the hold feature on his mobile phone. A user may record a hold message, assign a key to activate the hold feature, indicate whether or not to provide a hold notification and reminder, and select one or more important callers for the hold feature. If the user receives a call from a defined important caller, the user may receive a notification, such as a vibration of the phone, and answer the call. Additionally, *Dutta* teaches that Bluetooth technology can activate the hold feature automatically. In other words, a Bluetooth signal in *Dutta* is an on/off signal for the hold function. To the contrary, the claims of the present invention recite that the features of a profile are defined by decoding an encoded command in an external control signal. In the present invention, as recited in claim 1, settings are contained in the encoded command to define the features of a profile, such as features that control attributes of a mobile phone while in a location

with the external control signal. These features are not defined prior to detecting the external control signal.

As discussed during the November 3, 2004 telephone interview, *Dutta* only teaches an enable/disable signal for either enabling or disabling the holding of calls by a wireless device. *Dutta* does not teach an external control signal that contains an encoded command that defines features in a profile, wherein the features are identified by a group of settings contained in the encoded command and wherein the features were not defined in the profile prior to detecting the external control signal. During the interview, Examiner Gauthier agreed that *Dutta* does not teach this feature and the amendments to independent claims 1, 5, 18-19, 21-22 and 24-25 overcome the *Dutta* reference. Thus, it is Applicants' understanding that the claims are now in condition for allowance pending further search by the Examiner. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-26 under 35 U.S.C. § 102(e).

III. New Claims 27 and 28

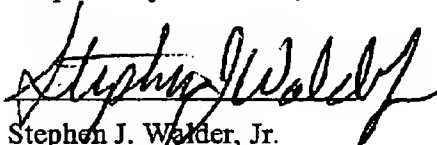
In addition to the above, *Dutta* does not teach the specific feature recited in new dependent claims 27 and 28. Specifically, *Dutta* does not teach or suggest that a profile cannot be activated or modified by a user of a mobile communications device. During the interview, the Examiner agreed that *Dutta* does not teach or suggest this feature.

IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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